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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/624,732 | 07/22/2003 | Sima Ezra | EZRA.UTL | 7183 |
| 21590 | 7590 | 11/16/2004 | EXAMINER | |
| HINKLE & O'BRADOVICH, LLC 295 CULVER STREET SUITE A LAWERENCEVILLE, GA 30045 | | | PATEL, TAJASH D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3765 | |

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,732

Applicant(s)

EZRA, SIMA

Examiner

Tejash D Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Trumbauer et al (US 5,820,084). Trumbauer et al. (hereinafter Trumbauer) discloses a bib (10) including a main body bib body having upper and lower surfaces and a bib pillow (44) defined by front and rear ends having an upper and lower surface, such that the lower surface of the pillow is connected to the upper surface of the bib body as shown in figure 3. Further, a bottle loop (46) having ends include hook and loop fasteners that is pivotally connected to the upper surface of the pillow when moved between a fastened and unfastened position. In addition, the main bib body includes straps (30) that define a neck loop. Additionally, the bib body forms a border (20) as shown in figures 3 and 5. Also, the front end of the pillow inherently forms baffles when a bottle with a conventional nipple is held within a depression thereof as shown in figure 5. Furthermore, the lower surface of the pillow is secured to the bib body by fasteners (42) as shown in figure 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbauer in view of Straham et al. (US 6,442,759). Trumbauer discloses the invention as set forth above except for showing that bib body having a border with connector loops being connected to leads and baby toys.

Straham et al. (hereinafter Straham) discloses a bib (10) having a bib body with a border with connector loops (32) being connected to leads 27) and baby toys (40,60) as shown in figures 1-4.

It would have been obvious to one skilled in the art at the time the invention was made to provide the bib body of Trumbauer with a border thereof having connector loops being connected to leads and baby toys as taught by Straham. Doing so, would allow the desired accessories to be available when the baby is being fed. Further, it is obvious to one skilled in the art that the bottle having the nipple is held against the upper surface of the pillow when the bottle loop is secured thereabout.

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5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbauer. With regard to claim 8, it would have been obvious to one skilled in the art that micro depressions or creases are formed between the baffles when a bottle is attached to the bib.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

November 6, 2004



**TEJASH PATEL
PRIMARY EXAMINER**